

Appl. No. 09/960,595
Amdt. dated December 20, 2005
Reply to Office Action of September 29, 2005

Remarks

The present amendment responds to the Official Action dated September 29, 2005. The Official Action rejected claims 26-30, 111, 112, 115 and 116 under 35 U.S.C. 103(a) based on Brooks U.S. Patent No. 6,067,530 (Brooks) in view of Miller et al. U.S. Patent No. 5,202,825 (Miller) in further view of Martin et al. U.S. Patent No. 5,988,348 (Martin). Claims 110, 113 and 114 were rejected under 35 U.S.C. 103(a) over Brooks in view of Miller in view of Martin on the further grounds that "the particular information in the data transmitted to the safes is only a recitation of intended use. Claims 119 and 120 were rejected under 35 U.S.C. 103(a) based on Brooks in view of Miller in view of Martin in further view of Green U.S. Patent No. 6,443,359 (Green). These grounds of rejection are addressed below following a brief discussion of the present invention to provide context. Claims 26 and 121 have been amended to be more clear and distinct. Claims 26-30 and 109-121 are presently pending.

The Present Invention

An illustrative embodiment of the present invention is shown in Fig. 1. Specification, page 5, lines 4-19. A plurality of electronic drop safes 102 are shown located in a local area, such as a convenience store, or the like. A network connects the plurality of safes 102 into a local area network. In Fig. 1, the network is wireless. Each safe comprises controller 104 and a bill acceptor 106. As seen in Fig. 1, for example, bill acceptor 106 is mounted within the safe 102 having a cutaway to illustrate internal details of the safes 102. The bill acceptor 106 determines the denomination of bills as they are inserted into the bill acceptor 106 and store

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those bills in a storage cassette inside the drop safe. See, for example, Specification, page 1, lines 26-28. The controller 104 controls operation of the safe, interfaces with the bill acceptor 106, controls communication and tracks the operation of the safe 102. Specification, page 5, lines 9-11.

Among the several advantageous aspects of this approach are that the bill acceptor or the controller can be wirelessly updated with new firmware to allow new or improved currency to be accepted, new or improved anti-counterfeiting techniques to be incorporated, or any changes required within the controller to be updated without the need to open the safe or have access to the currency. Specification, page 19, lines 8-11.

The Art Rejections

As addressed in greater detail below, Brooks, Miller, Martin and Green do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of these items or the incorrect legal analysis of "intended use" made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections. The case law is contrary to the position of the Official Action. In particular, it is clear that the particular nature of the data is something that can lend patentability and is not merely an intended use.

The Official Action incorrectly states Brooks teaches "essentially all the elements of the claimed invention." While Brooks does show multiple drop safes 24 with controller 36 and bill acceptors 44, the only interfaces are (1) printer interface lines 42A which connect the drop safes

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24 that are located at a common counter to a serial auto switch 53 so a shared printer 40 can be utilized for printing reports and the like, and (2) data interface lines 42B (seen in Fig. 6, as well as, being mislabeled 42A in Fig. 2B) which connect the drop safes to a store host computer 43. The only discussion of printer interface lines 42A appears to be using the callout number found at Brooks col. 6, lines 20-24; col. 7, lines 31-37. The only discussion of data interface lines 42B using this callout number appears to be found at Brooks col. 6, lines 61-65; col. 7, lines 10-15; col. 9, lines 31-37. In the embodiment illustrated by Brooks' Fig. 2B, reports "are provided by the store system printer 45." Brooks col. 7, lines 7-9. This extremely limited disclosure as to networking falls a short of either meeting or making obvious the present claims.

While correctly admitting that Brooks "fails to disclose a wireless network and updatable firmware" as presently claimed, the Official Action looks to Miller as purportedly disclosing "a plurality of safes (40) that are connected by a wireless network (21) that allows updating of prices (col. 11, lines 22-25)", and as a basis for substituting "the wireless network of Miller for the network of Brooks in light of the disclosure found in col. 7, lines 10-15 of Brooks which states that the data interface (42B) can be any suitable communication link."

Among the several flaws in this analysis are the following. First, the so-called "plurality of safes 40" of Miller are in fact "mobile customer service stations" and **not** safes. See, Miller, Title; Abstract; col. 5, line 61-col. 6, line 24. These mobile customer service stations "include a console on wheeled chassis . . . which are used to conclude customer purchase transactions." Miller, Abstract. These units are "to be moved to merchandising locations of temporary peak

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customer activity" apparently to supplement the use of fixed POS terminals or checkout counters which require "electrical service". Compare, Miller, Abstract; col. 1, lines 21-30.

Thus, the so-called "plurality of safes (40)" of Miller are not safes at all, and more importantly, they are not "electronic drop safes" as presently claimed in which a "bill acceptor" is mounted within the safe". This bill acceptor "operates to determine denominations of bills as they are inserted into the bill acceptor and store said bills in a storage cassette inside the safe". See, claims 26 and 121, as presently amended. Further, the disclosure of Miller that his wireless network 21 "allows updating of prices" as taught at col. 11, lines 22-25 appears to relate to the updating of the prices of merchandise. It being recognized that as items are purchased at retail stores their bar codes are scanned upon check-out. The product identification from the bar code is matched with a price in a look-up table. Such a teaching has no apparent relevance to the present claims which address "firmware" that is "updatable through the wireless network to allow new or improved bills to be accepted, new or improved anti-counterfeiting techniques to be incorporated, or to adopt updating changes within the controller without the need to open the safe or have access to the storage cassette." as presently claimed in claim 1.

Finally, the Official Action relies upon Martin as teaching a coin acceptor with microprocessor firmware that can be downloaded from a remote location via the host computer citing col. 26, lines 1-9. This patent has 50 drawing sheets and 56 columns of specification, and these nine lines of text are the only apparent teaching regarding updating firmware. There is no discussion of what particularly is updated or what the benefits are of such updating. In any case,

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it is submitted that as discussed in detail below, Martin does not provide a basis for modifying Brooks and Miller in the manner suggested by the Official Action.

Martin is assigned to Coinstar, Inc., and shows and describes a "Coin Discrimination Apparatus and Method" used in a coin handling apparatus shown in Figs. 1A and 1B. An embodiment of this apparatus is often found in grocery and retail stores. Customers bring in large numbers of coins they have collected over time and put them into the Coinstar machine en masse. The machine processes them and the customers receive a credit slip for them. The 50 sheets of drawings and the 56 column specification focus mainly on the details of the purportedly improved coin discrimination and handling. Col. 3, lines 54-59, for example.

Buried within this extensive, detailed discussion, the text at col. 26, lines 7-9, simply states "In one embodiment, microprocessor firmware can be downloaded from a remote location via the host computer." The "host computer" is host computer 46 referred to in col. 25, lines 59-61.

Host computer 46 is only generally illustrated in Fig. 1B and Fig. 32. No details are shown for it other than a box with no details (Fig. 1B) and a box containing representations of application software 3228 and serial port 3212, and the label "HOST (486 PC)" (Fig. 32). Neither a wired nor a wireless connection to any remote location is shown. The machine does have a power cord 34.

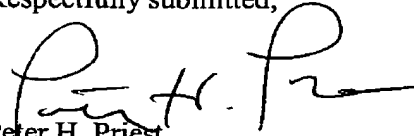
To sum up, the cited language does not teach and does not make obvious the present claims. Further, it is not inherent that downloading be done wirelessly. By way of example, a service person could transport a floppy disk from a remote location, physically insert that disk

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested. **A phone interview is requested to discuss this case with the Examiner.**

Respectfully submitted,



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